HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24057 of 2006

Dated:18.11.2006

Between:

Jasti Satyanarayana Murthy.

…Petitioner

and

The District Collector and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.24057 of 2006

ORDER:

The petitioner herein was granted a mining lease for Quartz over an extent of Acs.38.00 in Survey No.140 (old Survey No.15/P) situated at Saggonda Village of Gopalapuram Mandal in West Godavari District, for a period of twenty years. Before expiry of the period of lease, the petitioner made an application for renewal of the lease for another period of five years. The said application is pending. In the meanwhile, the petitioner alleges that the respondents are trying to allot the land to landless poor persons for agricultural purpose. The petitioner contends that such assignment for agriculture is against the policy contained in the orders of the Government, being G.O.Ms.No.74, Industries and Commerce (Mines-I) Department, dated 16.02.2002.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Mines and Industries.

A perusal of G.O.Ms.No.74 reveals that lands having rich/concentrated mineral wealth should not be allotted for any other purpose other than mining. The petitioner was given land for quarrying/mining Quartz. The land given to the petitioner is only Acs.38.00 in the entire extent of about Acs.220.00 comprised in Survey No.140. Therefore, as and when the respondents consider the assignment of land to landless poor persons they should keep in mind

that the petitioner's application for renewal of quarrying lease granted to him earlier vide G.O.Ms.No.267, dated 08.06.1984 is still pending before appropriate authority. Respondents should also ensure that any assignment of agricultural land would not prejudice the rights of the petitioner without giving proper notice to him.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO, J)

18.11.2006
vs